

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT PICKEN,

Plaintiff,

Case No. 11-13044

v.

Hon. John Corbett O'Meara

LOUISVILLE LADDER, INC., and
CUPRUM S.A. de C.V.,

Defendants.

**ORDER DENYING DEFENDANTS'
MOTION FOR RECONSIDERATION**

Before the court is Defendants' motion for reconsideration, filed August 12, 2013. Defendants seek reconsideration of this court's July 29, 2013 order denying in part Defendants' motion for summary judgment. Specifically, Defendants contend that the court should have granted summary judgment in their favor on Plaintiff's gross negligence claim.

The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will

result in a different disposition of the case.

LR 7.1(h)(3). A motion for reconsideration “is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.” Smith v. Mount Pleasant Schools, 298 F. Supp.2d 636, 637 (E.D. Mich. 2003) (citing Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d 357, 374 (6th Cir. 1998)).

Having failed initially to flesh out their argument with respect to Plaintiff’s gross negligence claim, Defendants did not meet their burden of demonstrating that summary judgment was appropriate. See Docket No. 49 at 13; Order at 6. The court will not consider arguments raised for the first time in a motion for reconsideration.

Accordingly, IT IS HEREBY ORDERED that Defendants’ motion for reconsideration is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: August 21, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 21, 2013, using the ECF system.

s/William Barkholz
Case Manager